

CHAPTER 33-04-08
NEW CERTIFICATES OF BIRTH FOLLOWING ADOPTION, LEGITIMATION,
AND PATERNITY DETERMINATION

Section

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33-04-08-01. Adoption in other states or a foreign nation. A new certificate of birth may be prepared by the state registrar for a child born in this state upon receipt of an adoption report or certified copy of an adoption decree from the courts of the several states of the United States or a foreign nation.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-18

33-04-08-02. Legitimation. If the natural parents marry after the birth of a child, a new certificate of birth shall be prepared by the state registrar for a child born in this state upon receipt of an affidavit of paternity signed by the natural parents of the child, together with a certified copy of the parents' marriage record. However, if another man is shown as the father of the child on the original certificate, a new certificate may be prepared only when a determination of paternity has been made by a court of competent jurisdiction.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-18

33-04-08-03. Determination of paternity. A new certificate of birth shall be prepared by the state registrar for a child born in this state upon receipt of a certified copy of a court determination of paternity, together with a request from the natural mother or person having legal custody of the child that such new certificate be prepared. The surname of the child shall be that of the father unless the decree or request provides otherwise.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-18

33-04-08-04. New certificate. The new certificate of birth shall be on the form in use at the time of its preparation and shall include the following items of information and such other information necessary to complete the certificate:

1. The name of the child.
2. The date and place of birth as transcribed from the original certificate.

3. The names and personal particulars of the adoptive parents or of the natural parents.
4. The name of the attendant, printed or typed.
5. The same birth number as was assigned to the original certificate.
6. The original filing date.

The necessary data to locate the existing certificate and the data necessary to complete the new certificate shall be submitted to the state registrar on forms prescribed and approved by the state registrar.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-18

33-04-08-05. Existing certificate to be placed in special file. After preparation of a new certificate of birth, the existing certificate and the evidence upon which the new certificate was based are to be placed in a special file. The state registrar may inspect such information for purposes of properly administering the vital records registration program. No other inspection shall be permitted except as provided by order of a court of competent jurisdiction.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-18